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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/517,613   | 03/02/2000  | Thiru Srinivasan     | 1642(42059-01010)   | 4139             |
| 25231  | 7590        | 10/17/2003           | EXAMINER            |                  |
| MARSH, FISCHMANN & BREYFOGLE LLP<br>3151 SOUTH VAUGHN WAY<br>SUITE 411<br>AURORA, CO 80014 |             |                      | ENGLAND, DAVID E    |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2143                 |                     | /0               |
| DATE MAILED: 10/17/2003  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

PR9

|                        |                  |                   |
|------------------------|------------------|-------------------|
| <b>Advisory Action</b> | Application No.  | Applicant(s)      |
|                        | 09/517,613       | SRINIVASAN, THIRU |
|                        | Examiner         | Art Unit          |
|                        | David E. England | 2143              |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 08 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See NOTES:
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

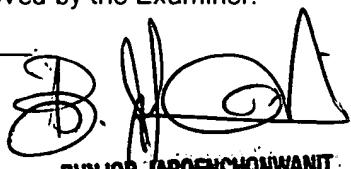
Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: \_\_\_\_\_.

  
BUNJOB ARoenchonwanit  
PRIMARY EXAMINER

## • NOTE:

As to the remarks, Applicant has submitted the provisional application that the main reference Eyal relies on as a provisional application, 60/177786 filed on January 24, 2000. In which the Applicant states that the provisional document does not suggest or teach interface which is configured to receive and process selection for compiling a download schedule, nor is there a file download device, which based on the download schedule, automatically accesses the remote site and downloads the selected multimedia file. Furthermore, the provisional application of Eyal does not teach the network interface signaling a request to a network service module and receiving addresses that match the search request.

As to part the first part, Examiner has read over the provisional application of Eyal and disagrees with the Applicant in that the provisional application of Eyal does teach the interface which is configured to receive and process selection for compiling a download schedule, nor is there a file download device, which based on the download schedule, automatically accesses the remote site and downloads the selected multimedia file, pages 3 - 4 and 12 - 15 of the provisional application. Clearly stating in the first paragraph of the "Detailed Description" quoting,

"According to an embodiment, a system is provided comprising a media search engine. The media search engine may be used to create a database of links to media files. The links may be structured according to predefined categories and/or user defined search criteria. A client terminal includes a media player to automatically access one or more media files using the corresponding links. The media player then plays back media contained on the media files.", noting that this section does in no way limit the teaches in the provisional application of Eyal in any way.

The provisional application clearly states creating a database of links to media, download scheduler, and automatically accessing, or downloading, media files. If the Applicant would continue to read the newly cited pages of the Provisional application it would be understood that the Provisional application teaches more of what is stated above and further teaches the network interface signaling a request to a network service module and receiving addresses that match the search request.

Claim 10 is still rejected for the reasons stated above that is pertaining to the claim in view of Martino.

Claims 1 - 19 are still rejected for the reasons and cited areas stated above and the reasons and cited areas stated before in previous actions



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